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OCT 25 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rodriguez-Cue

Serial No.09/852,358

Filed: May 9, 2001

Confirmation No.: 4715

Examiner: Robert W. Morgan

Art Unit: 3626

For: **SYSTEM AND METHOD FOR PROVIDING WIRELESS, PAPERLESS MEDICAL CARE AND COMMUNICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office Action mailed October 7, 2005, please amend the claims as per the listing beginning on page 2 of this paper. The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account 501923.

The listing of claims starts on page 2.

A supplemental Information Disclosure Statement is enclosed. There is no need for a fee because 37 CFR 1.97(b)(3) provides that the IDS is timely if submitted before the mailing of a first Office action on the merits and MPEP 609 recites:

An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142)